

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)**

Docket No.  
**22369 (H27809)**

In Re Application Of: **Tomas Brodsky**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
<b>10/772,892</b>	<b>February 4, 2004</b>	<b>John B. Strege</b>	<b>23389</b>	<b>2624</b>	<b>5359</b>

Invention:

**SYSTEM AND METHOD FOR COUNTING CARS AT NIGHT**

**COMMISSIONER FOR PATENTS:**

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of **September 26, 2008** in the above-identified application.  
*Date*

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **September 26, 2008** finally rejecting Claim(s) **1-7, 12-17, 22-25, 28-30, 32-33, 36-38 and 40**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☒ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from: **December 26, 2008**

*Date*

until:

**January 26, 2009**

*Date*

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$270.00

Fee for Extension of Time: \$65.00

**TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME:** **\$335.00**

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☐ A check in the amount of \_\_\_\_\_ for the Notice of Appeal and extension of time is enclosed.

☒ Please charge Deposit Account No. **19-1013/SSMP** in the amount of **\$335.00**

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013/SSMP**

☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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10/772,892	February 4, 2004	John B. Strege	00128	2624	5359

Invention:

**SYSTEM AND METHOD FOR COUNTING CARS AT NIGHT**

**TO THE COMMISSIONER FOR PATENTS:**

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:



*Signature*

Dated: January 26, 2009

**Paul J. Esatto, Jr.**  
**Registration No. 30,749**  
**Scully, Scott, Murphy & Presser, P.C.**  
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**Certificate of Transmission by Facsimile\***

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____	
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cc: